

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TERRICK NOONER, #SK-926,

v.

STATE OF TEXAS, *et al.*,

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Case No. 6:19-CV-243-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE
AND DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF**


Plaintiff Terrick Nooner, an inmate confined in the Arkansas prison system and proceeding pro se, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. Docket No. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell (Docket No. 5), who issued a Report and Recommendation (Docket No. 9) concluding that Mr. Nooner's motion for preliminary injunction (Docket No. 4) should be denied. Mr. Nooner has filed objections. Docket No. 10.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a de novo review of the objections raised by Mr. Nooner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Mr. Nooner are without merit. Specifically, Mr. Nooner's claim fails because he has not set out any facts showing that the non-parties to the suit, which are the subject of the motion for preliminary injunction, have minimum contacts to the territorial jurisdiction of the Court pursuant to Federal Rule of Civil Procedure 4(k)(1)(A). Docket No. 9 at 2; *see Enter. Int'l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 471 (5th Cir. 1985) ("We hold, therefore, that the district court should not have issued the preliminary injunction against C.E.P.E. without

determining whether it had [personal] jurisdiction over the party enjoined.”). Because the Court has determined that it lacks personal jurisdiction over the subjects of the requested injunction, the Court need not address whether a federal court may enjoin a non-party. *See generally* Samuel L. Bray, *Multiple Chancellors: Reforming the National Injunction*, 131 HARV. L. REV. 417, 482 (2017).

The Court therefore adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the motion for preliminary injunction (Docket No. 4) is **DENIED**.

So **ORDERED** and **SIGNED** this **27th** day of **June, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE